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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION EIGHT

MARIA T., Respondent, v. VICTOR T., Appellant.	B289067 (Los Angeles County Super. Ct. No. PQ019484)

APPEAL from an order of the Superior Court of Los Angeles County, Michelle Short, Commissioner. Affirmed.

Law Office of Donna D. Pettway and Donna D. Pettway for Appellant.

No appearance for Respondent.

Mother divorced Father. She won a domestic violence restraining order against him on behalf of herself and their two minor children: their sixth grade daughter and their high school son. Their third child is an adult son. He is not involved here.

The family court heard two sides to the story.

The two minors and Mother testified Father, in the aftermath of divorce, was volatile, threatening, and violent.

Father testified when Mother got custody after the breakup, she blocked his access to his minor children and turned them against him. Mother lied, according to Father, and coached the minors, alienating them from him and poisoning their view of him.

The family court held three days of trial. It heard testimony from a professional monitor who had supervised Father's visits with the two minors. It also heard from the minors and parents. The 281-page transcript plumbed the clashing perspectives. The court rightly said the trial compiled "a great deal of information."

The court found Father lacked credibility. The court offered powerful illustrations supporting its conclusion. For instance, Mother and Daughter testified Father was angry and violent during an incident outside a dance studio. No, Father testified: he was calm the whole time. But Father testified angrily to his calmness. By losing the cool he said he never lost, Father impeached himself on the stand. There were other illustrations as well.

The court entered a restraining order, effective for three years, until midnight January 18, 2021. The court specified Father is to stay 100 yards from Mother and the minors and is not to contact them, except for brief and peaceful contact to effect

court orders relating to custody and visitation. The court ordered Father to attend a 52-week batterer's intervention program. Mother got sole custody of the minor children, with no visitation for Father, except the court ordered reunification therapy with a specific provider. The court ordered the parents and minors to attend this therapy. Also, the reunification therapist is to contact the minors' personal therapist to "work together in support of the reunification."

The court addressed Mother directly, telling her to tell her minor children they were required to attend reunification therapy. The children "may not like this and they may not be happy about it, but this court is ordering it and this court believes it is in their best interest. It is not good for children to be overly empowered. And for whatever the reason is they have issues and resistance to their father, here [are] the facts. He is Dad. And it is better for your children's long term physical, emotional and mental health that they get engaged in a relationship with him." Mother agreed.

The court said the minors' individual therapist "needs to understand that she is to be supportive of reunification and that if she is not supportive of reunification, this court could take up the issue to remove her as the children's therapist."

The court stated this "order is not forever." Before there would be any traditional visitation, "we need to get them back in a room, talking, and we need to decrease the tensions for the children." The court noted the monitored visits with Father had been unproductive. Indeed, "they actually got the kids a little more entrenched in their resistance to [Father]." "So I think to reengage with monitored visitation or even unmonitored visitation is going to further push the children away."

The court stated it was "not just going to order reunification and then let it go. . . . We need to begin a process of reunification." "For now, the only visitation will be the reunification therapy. That is for now. We also will be having other hearings on this matter. And this court will receive and take up information as it is presented about the status of therapy."

"Sir, I also want you to understand that the batterer's intervention is an integral part of this. Because the court and potentially the children need to understand that there has been some education which hopefully leads to some insight for you about how this situation can be better addressed."

"Let's give reunification a little bit of time. I am not saying let's give it years. I understand this has all been pending a very long time. . . . And I appreciate that Dad's focus is on getting back to a relationship with his children."

The court set a stipulated future hearing date.

Father appeals this restraining order. He notes we review a domestic violence restraining order with deference. (*Herriott v. Herriott* (2019) 33 Cal.App.5th 212, 223.)

Our appellate deference is considerable because the trial court heard and saw the witnesses in a living context we can never replicate. We look for the evidence in support of the successful party — here, Mother — and disregard any contrary showing. (*Nestle v. City of Santa Monica* (1972) 6 Cal.3d 920, 925.) Because Mother prevailed, we resolve all conflicts and draw all reasonable inferences in her favor. (*Crawford v. Southern Pacific Co.* (1935) 3 Cal.2d 427, 429.) We disregard the weight of the evidence. (*Estate of Teel* (1944) 25 Cal.2d 520, 527.)

Under these principles, we affirm.

Upon a showing of a past act of "abuse," a court may restrain a person to prevent recurring domestic violence. (Fam. Code, § 6300) "Abuse" includes recklessly causing bodily injury, as well as placing others in reasonable fear of "imminent serious bodily injury to that person or to another." (Fam. Code, § 6203, subds. (a)(1) & (3).) Abuse is not limited to the actual infliction of physical injury or assault. (*Id.*, subd. (b).)

The factual record against Father is damning.

The minor children testified Father "choked out" his adult son during a soccer game. As a spectator, Father was yelling at the other team. The adult son asked him to be quiet. This request angered Father, who went onto the field to his son and "choked him out, sort of. He grabbed him by the neck." Father "physically grab[bed] my brother by his neck and drag[ged] him off of the soccer field when I was just sitting there on the sidelines watching." This attack made both minor children scared of Father.

Later, during an unsupervised visit with Daughter near her dance studio, Father dragged her across a parking lot by her arm. Daughter phoned Mother for help. Mother drove to the scene. Father hoisted the struggling girl into his car but she fled out the other side. Father chased her but Daughter got in Mother's car. Mother tried to drive away, but Father pressed himself against Mother's body to prevent her from closing her door. Sheriff deputies eventually arrived. Father's attack dislocated daughter's elbow.

During a later dispute about a funeral for Father's mother, Father said Mother "better let [the minor] brother and sister go or else ... and that [Mother] better watch out."

Mother, Daughter, and the minor son all testified to their fear of Father's volatility and anger. The minor son testified he feared Father would hurt him. The minor son said "his head was going to explode and he couldn't take it . . . ." Mother testified Father's conduct had caused "bad anxiety" for her and for both minors. It had caused the minors both to have suicidal thoughts.

Father argues these statements are false and his version is true. But the family court found Father was not credible. We do not reweigh the evidence.

We deny Father's motion to augment the record with evidence the family court rejected as inadmissible.

DISPOSITION

The order is affirmed. Father is to pay Mother's costs of appeal, if any.

WILEY, J.

WE CONCUR:

BIGELOW, P. J.

STRATTON, J.